HUGHES TO THE LEGISLATURE ME URGES A CONSTITUTIONAL

APPORTIONMENT. 6635 That the People Demand That Public

Duty Shall Not Be Subordinated to Per-Passage of the Direct Nominations Bill.

ALBANY, July 8 .- The Legislature convened in extraordinary session to-night. but how long it will remain in session is a matter of considerable doubt. There appears to be a disposition on the part of the Senators and Assemblymen to try to get together on the apportionment question and there were evidences in the Assembly to-night that the Republican Assemblymen are not prepared to go to the limite they were at the regular session to support Speaker Wadsworth . in his contention that the prestige of the Wadsworth family must be paramount to every other conelderation. The Speaker hopes, however, that the session can be ended by next week and the apportionment bill passed. Bus be will stubbornly oppose having Living-sten county placed with Steuben county in

Gov. Hughes's special message to the Legislature was listened to with close atention in both houses. It was hoped the Governor would give some sort of an idea as to his views on the deadlock that existed at the regular session. There were many who viewed one sentence in the message as censuring Speaker Wadsworth in the resition he had assumed. The sentence referred to says that "public duty shall not be subordinated to personal interest or convenience." Still there are some Asemblymen who say they also see a rebuke to Senator Tully in that sentence. The message follows:

a Senate district.

THE GOVERNOR'S MESSAGE.

I have convened you in extraordinary ession in order that provision might be made for an apportionment of Senators and members of Assembly in accordance with the requirements of the Const and I recommend that subject for your consideration.

It is not my purpose to propose a par ticular plan of apportionment. It is the function of the Legislature to formulate such plan and submit it by suitable bill for

matter have been clearly defined by the Court of Appeals. The import of the decision of the court was thus stated in my message of May 1:

The Constitution contains certain manda tory provisions and others which leave op portunity for the exercise of legislative discretion. It is, of dourse, impossible to divide the State with mathematical exactness. The the state with mathematical exectness. The recognition in the manner required by the Constitution of county, town and block lines prevents an apportionment which would result in absolute equality of representation. But as Judge Chase says: "As the discretion of the Legislature relating to the relative number of inhabitants in Senate districts arises from necessity it should cease where the necessity for discretion ends." The history of constitutional changes in regard to legislative out, "shows a gradual withdrawal from the Legislature of discretionary power and a con-tinued adding" of constitutional limitations. The conclusion is inevitable "that the minimum of discretion necessary to preserve consideration to the other provisions of the

Constitution is left to the Legislature."

The matter is not one of personal preference or of individual interests, nor does it test in large political discretion. It was wholly to eliminate such considerations that the people, in adopting the new Constitution, so strictly limited the legislative power. As the Court of Appeals said in matter of Smith vs. Board of Supervisors (148 N. 187):

The evil sought to be remedied by the new constitution was to prevent these gross dis-repancies in apportionment and representation that had long been a public scanda and a reproach to the good name of the State The people are entitled to have a per fair apportionment in accordance with the letter and the spirit of the Constitution. No considerations are paramount to this just requirement."

The failure to provide a suitable apportionment at the regular session, in the absence of any public reason, has been a serious disappointment to the people. To avoid further public inconvenience it is of great importance that the matter should now be disposed of promptly. Obviously such a question, involving political consquences, gives rise to a conflict of interests, and its solution cannot be hoped for without personal sacrifices. But the test of public printing in the manufacture of the conflict in the conflict spirit lies in the readiness to make such sacrifices, and the people have a right to demand and do emphatically demand that public duty shall not be subordinated to personal interest or convenience.

I also recommend for your consideration and action the question of an amendmen of the primary election law so as to make of candidates for public office may be made directly at primary elections. In

my first message to the Legislature I said: It was apparently the intent of the primary election law (section 12) to give to a general committee representing a party in any city or village or in a county wholly within any city or in a borough authority to adopt a rule that the nominations of the party can-didates for specified offices should be made by the enrolled members at the primary elections. On account of other provisions of law doubt has been cast upon its scope and effect. To provide an opportunity for a suitable trial of the system of direct nominations I recommend that an amendment be passed providing with sufficient clearness that any general committee of a party may and that thereupon voting at the primaries shall be upon an official ballot printed at the public expense. It is probable that under an unambiguous law of this kind the method will be adopted in one or more important counties and there will thus be furnished a satistory test of the desirability of having system of nominations by direct primary vote. Our own experience will then enable

us to determine the wisdom of its extension. Provision was made at the regular session for an official primary ballot but not for direct nominations. I recommend that provision be made for the latter and for the reasons already stated, and in order that the movement which promises an important reform should be encouraged in a sitable manner the measure, should be of an optional character.

CHARLES E. HCOURS. "as most surprising. There were twentysight Republican Senators present and six

Democrats, while in the Assembly eighty-two members responded to the roll call.

That there is a chance of an apportion. ment bill being agreed upon at once was indicated by both Speaker Wadsworth and Majority Leader Moreland. After the message had been read Majority Leader Moreland moved that the House adjourn wait it a lake Wadsacton.

until 11 o'clock Wednesday.

Assemblyman Wainwright of Westcher ter jumped to his feet and demanded to know why that was being done. He manded to know what was the pro-

"The reason for such a course," replied Mr. Moreland, "is that between now and Wednesday conferences can be had with a view of agreeing upon an apportionmen bill and thus expediting matters." blyman Phillips of Allegany

offered a resolution that the Speaker be authorized to name a committee of five members to consider the apportionment Assemblyman West of Yates offered an ameridment that the Assembly appoint a committee on apportionment to confer with a similar committee from the Senate

on the apportionment question.

"I also include in my amendment," he said, "a provision that none of the mem-bers of the committee shall be affected by the apportionment. No member from Liv-ingston, Steuben, Chemung, Allegany or Wyoming shell sit on the committee."

When it was explained to Assemblyman West that the Senate had already adjourne he was prevailed upon to withdraw his amendment and Assemblyman Phillips's resolution was adopted. However, Speaker Wadsworth said he was not as yet prepared to name the committee. He will not probably name it until the Assembly reconvener on Wednesday. He and Senator Raines had a long conference to-day and Speaker Wadsworth's friends say that it looks as if some kind of an agreement will be reached. Whether or not the Senate will recede is

omething that no one can tell. the apportionment question to a special committee when the bill is introduced. Direct nominations may not have any caster sledding in the Assembly than it had

at the regular session. In the Senate, when the reading of the message had been completed, Senator Travis of Brookly offered the direct nominations bill. With but a few exceptions it is the same bill that passed the Senate and was killed in the Assembly. The bill was referred to the Judiciary Committee. Senator Davis. chairman of the committee, announced that the committee would meet to consider the

bill to-morrow morning.
Senator Grady objected to this, saying there was no need of so much hurry, and Senator Davis changed the time for the meeting of his committee to Wednesday

man Green of Brooklyn, who is ill, Majority Leader Moreland asked for unani consent to introduce the bill. Paradisc Park Jimmy Oliver objected and the bill had to be dropped in the bill box.

ZELAYA THREATENS SALVADOR. New Fillbustering Expedition Being Reeruited in Bay of Fonseca.

WASHINGTON, July 8 .- Minister Merry at San Salvador cabled the State Depart ment to-day that the situation is at present quiet in Salvador. The case of the Moissant brothers, who are said to be American way. Their plantations have not been

partment to-day from Central America indicate that Nicaregue is preparing to make another attack on Salvador. The Nicaraguan gunboat Momnotombo, which anded an unsuccessful party of revoluonists in Salvador several weeks ago, is active preparations for another expedition The report has it that she is recruiting 12,000 men, chiefly Salvadoran revolution-ists, for an attack upon one of the Salvadoran ports. The Government of Sal-

and is extremely apprehensive. There seems to be no doubt of the purpose of President Zelays to make war on Salvador The cruiser Milwaukee, which was sen from San Francisco to Central America for the purpose of patrolling the coast and being on hand to protect American interests, has arrived at La Union, Salvador.

vader has been informed of the movement

FAIRBANKS RESCUES GIRL.

Vice-President Leaps Into Lake and Saver Victim of Boating Accident.

VELLOWSTONE LAKE, Yellowstone Park Wyo., July 8.-Vice-President Fairbanks yesterday risked his life to save that of a waitrees at the hotel at which he was staying It was about 4 o'clock in the afternoon that the Vice-President and J. I. Gibbs manager of the hotel, were sitting on the piasza talking over the political situation in the West. A boat was coming toward the pier with several persons in it.

Mr. Fairbanks was laughing at a

mark made by Mr. Gibbs when there was a shriek from the lake and the Vice-President saw a girl floundering in the water. Springing from the plazza, followed by Mr. Gibbs, the Vice-President ran to the lake. The woman in the water was sinking when Mr. Fairbanks jumped into the lake and caught her clothing. Two other men leaped into the water along with the Vice-President, and with their aid the young woman was brought to the pier. The Vice-President assisted in carrying her to the hotel plazza, where she was resuscitated. mark made by Mr. Gibbs when there was

The girl is Miss Lena Wallace, a waitress at the Lake Hotel, where the Vice-President was stopping.

The Vice-President left to-day for Seattle where he will deliver an address before the Christian Endeavor convention.

NOTE OF JONES OF NEVADA, Now Jones of California-67,000 That

Sheriff Hayes has received an attach ment against ex-Senator John P. Jones formerly of Nevada, for \$7,000 in favor of the National Bank of North America. The writ was granted by Justice Platzek of the Supreme Court on the ground of non-residence. It was stated that Jones moved from Nevada in 1903 and is now a res of Santa Monica, Cal. The claim is on of Santa Monica, Cal. The claim is on a note made by Mr. Jones and F. W. Pratt, dated at Washington, D. C., March 30, 1905, payable three months after date at the above bank to the order of Eugene Davis, who indorsed it and delivered it to the bank. The note was not paid at maturity. The Sheriff served the attachment on Laidlaw & Co. banks to attach any account Mr. Jones may have there. Mr. Jones was United States Senator from Nevada from 1873 to 1903.

SEWEY'S CLARET OR SAUTERNE PUNCH of Yachting Parties and Outings. Ready to serve T. Dowey & Sons Co., IM Fullon St., New York

TALLEY TOO, AND JAMES J. MAR-TIN IS CHAMBERLAIN.

No Murphy Men Put on Guard-Francis K. Pendleton is Corporation Counsel and Dr. Bensel Street Cleaner-Ellison Didn't Resign and His Head Fell.

The storm which has been threatening in he City Hall for some weeks past broke resterday when Mayor McClellan removed Corporation Counsel Ellison, demanded the resignation of Civil Service Commissioner Talley and accepted the resignation of Street Cleaning Commissioner Craven. Soon after the Mayor reached his office yesterday morning it began to be whispered around the building that something was coming and there was a bunch of politicians in the corridors before noon. It was not until nearly three hours later that Mayor put an end to speculation by announcing that he had made these changes n his administration:

Francis K. Pendleton, appointed Corpor tion Counsel, vice William B. Ellison, removed James J. Martin, appointed City Chamber-lain, aucceeding Patrick Keenan, deceased. Walter Bensel, appointed Commissioner of Street Cleaning, vice Macdonough Craven,

Frank L. Polk, appointed a member of the Civil Service Commission, vice Alfred J. falley, resigned.

The removal of Mr. Ellison had no surprise in it. That the Mayor and Mr. Ellison vere not on friendly terms has been a matter of common knowledge. The breach beween them came after the so-called peace conferences between Mr. Ellison and Big Tim Sullivan, which were supposed to have been engineered by Morgan J. O'Brien with the consent of the Mayor and Charles F. Murphy for the purpose of bringing bout peace between the City Hall and Fourteenth street. After Mr. Ellison and Big Tim had met about half a dozen times Mr. Ellison gave out a statement in which he asserted that an understanding had been arrived at between the administration and the leader of Tammany Hail. In that statement Mr. Ellison said that the Mayor had no candidate for the leadership of Tammany Hall, indicating thereby that the Mayor had dropped his fight against Murphy, and adding that there would be no appointments of men to office "who may be inimical to the organization or its

The whole wording of the states seemed to give the idea that the Mayor was anxious to make up with Murphy and that he wanted to drop his fight against the Tammany Hall leader.

Mr. Ellison gave this statement out without first submitting it to the Mayor. The. Mayor the next day discwned Mr. Ellison's declaration and denied that he had ever been a party to any arrangement which would leave Murphy at the head of the organization. He said that he would never agree to any proposal which would not provide for the ousting of Mr. Murphy. At a stormy meeting between the Mayor and Mr. Ellison accusations of bad faith were exchanged. Mr. Ellison was eager to hand in his resignation, but he was dissuaded by the Sullivans. Since then the Mayor, without actually asking for the edge conveyed to Mr. Ellison that it would be welcome. Acting under advice of the Sullivans, it was generally supposed Mr. would never resign and that if the Mayor wanted him out he would have to remove

About ten days ago Mr. Ellison issued a public statement that he had no intention of resigning and that Mr. McClellan had never intimated to him that he was to be removed. It is understood that the Mayor regarded this as a personal affront and as sort of gratuitous threat that the Mayor. because of the Sullivan support, dare not

remove him. The Sullivans have always evaded making known their position as between McClellan and Murphy and the removal of Mr. Ellison was generally regarded as indicating that the Mayor is convinced that he cannot depend on the support of the Sullivans in any effort to turn Murphy out of Tammany Hall.

Not one of the four men put in office yesterday is friendly to Murphy, while James J. Martin, the new Chamberlain is an avowed enemy. Mr. Polk and Mr. Pendleton are members of the Tammany general committee of their districts, but they are opposed to the existing control of the organization. Commissioner Talley. in responding last night to the Mayor's demand for his resignation, declared that he had been removed solely because he was regarded as a friend of Murphy.

The resignation of Mr. Craven was not upexpected. He was not much in love with his job. His health was not equal to the demands of the office, and when a few days ago he was invited to return to take charge of the affairs of the Sanitary Utilization Company at a salary of \$7,500 equal to that he received as Street Cleaning Commissioner, he accepted the offer and sent his resignation to the Mayor. Dr. Bensel, who succeeds him, has consented to take the place for not more than three months. He has been Sanitary Superintendent and he is not willing dissociate himself from his profession for

a longer period. In removing Corporation Counsel Ellison and asking for the resignation of Civil Service Commissioner Talley Mayer McClellan wrote these letters:

Hon, William B. Ellison, Corporation Counsel SIR: The interests of the city require are aware that this relation has not existed in your public statement of June 26 that you will not resign no course is open to me but to remove you, which I hereby do. Respect-GRORGE B. M'CLELLAN, Mayor.

sioner. Sin: The legal member of the Municipal Civil Service Commission should devote more time to the public service than you do. therefore ask your resignation. Respectully, GEORGE B. M'CLELLAN, Mayor. fully. Informally accepting Commissioner Cra-

ven's resignation, he wrote: I have realized for some time the severe tered the affairs of this very important department of the city government and am grateful to you for the services you have rendered my administration in both good Conditions are such at present that con

Continued on Second Page.

ROCKEFELLER ON THE LINKS. KILLED BY A RUNAWAY HORSE | 3 DROWNED IN THE HUDSON. inancier Spends 68th Birthday Chasing

Travis and Fownes Around the Course. CLEVELAND, July 8.—John D. Rocke-feller was one of the interested spectators at the opening of the amateur golf championship tournament on the Euclid links

After asking permission from the two he joined the group to follow Travis and Fownes at the ninth green. He is a good mixer on the links, hobnobbing freely with the golfers. He applauded long the fervor of a true enthusiast. Not until all the scores were posted did the financier roll off in his limousine motor.

The course, by the way, is partly on property owned by Rockefeller. The club's leases are up in 1910 and they will move then to a new property that is al-ready being cultivated for a fine turf.

"This is my sixty-eighth birthday," was one of Rockefeller's remarks. "I am enjoying the day hugely. "You look only 68 years young," said

the golfer next to him. "Why don't you challenge one of us to a match?"
"Well, I have sent for my clubs," was the laughing reply. "Maybe I will be on the links myself this week.

The noted financier had no monopoly of motor cars. Rumor has it that there are more automobiles owned in Cleveland in proportion to the population than in any other city.

COBALT MINERS STRIKE. Innagers Befuse to Recognize Union and

Close Boarding Houses. CORALT. July 8 .- Practically all the met of thirty leading mines are on strike. Most

of them were paid off after breakfast this morning and were told that no more meals would be served to them. Stopping quarters and dining rooms at the mines were

Fully 2,500 men are without shelter to night after a hard rain and many have only the money from last week's work. The Town Council will open the opera house, and not less than 500 can find sleeping room

Union agitators addressed large crowds in the public square to-day, but there was no open demonstration. Special police deputies were sworn in at the request of the Cobalt Chamber of Commerce. Over 500 miners left town. The railroad has sent special police to guard twenty-five cars of merchandise on sidings. Retailers are refusing credit to strikers and the question of o-morrow's supply is serious.

The mine managers are determined to run the mines themselves without recognizing the union. The strikers are equally confident of success. To-day, Nippissing worked 200 men, Chambers, McKinley & Darragh 50, Coniagas 40 and Lacrose 40. These mines will continue work while men remain. The demand is for higher wages for unskilled labor, but the real fight is for recognition of the union

NEW JOKE ON MARK TWAIN. He Won't Commit Himself as to Disappearance of St. Patrick's Jewels.

Special Cable Despatch to TRE SUN. Twain's stay in England is filled with appointments. On Saturday he will sail for home, loaded with honors and attentions which admiring England has showered

He dined to-day with C. F. M. Bell, assistant manager of the Times. To-morrow he will lunch at the House of Commons as the guest of Sir Benjamin Stone. Arthur Balfdur will be a fellow guest. of Punch

The joke about Mark "lifting" the Asco cup has become such a habit here that when the story of the mysterious theft of the Irish regalia became known letters and telegrams poured into Brown's Hotel asking Mark what he had done with the jewels and how he had managed to secure them. In self-defence he issued the follow-

ing to-night: "Mark Twain has received a number of telegrams and letters from friends and strangers asking what he knows of the whereabouts of the Irish regalia. He has not replied to these inquiries because he has been advised by his lawyers that it is best he should not commit himself."

NEGRO HUNT EMPTIES CHURCH. All Men in the Congregation Go to Help

Catch a Ravisher. DALTON, Ga., July 8.—Pursuit of a negro who had attacked a white woman broke up services at Mount Zion Church last night the congregation rushing from the church while the preacher was in the middle of his sermon and joining in the pursuit. The victim of the negro was Mrs. Joseph Smith, who lives near the church. The negro stopped at the Smith home and finding Mrs. Smith alone committed the assault. Her husband soon returned. gathered a few neighbors and started in pursuit of the negro. The chase led by the church, which the leader of the posse entered, crying to the congregation: "Come and heip us catch a nigger who

assaulted a white woman!" Every man in the congregation answered the call, and only the preacher and the

women and children were left. The posse captured several negroes who are being held for identification by the

RAISE VANDERBILT'S TAXES.

ASHEVILLE, N. C., July 8.-George Vanderbilt has returned his property for taxation in this county, which Biltmore House, about \$1,000,000 too low, the tax board says, so it has raised his assessment so that he will have about \$10,000 more to pay in taxes this year. Mr. Vanderbilt has given formal notice of protest and will appear before the tax board and try to get the assessment reduced. The assessed value of Mr. Vanderbilt's property, real and personal, for the last four years has been \$16,000,000.

Frank H. Hitchrock May Succeed Loch. WASHINGTON, July 8 .- According to a eport in Washington Frank H. Hitchcock of Massachusetts, First Assistant Postmaster-General, will succeed William Loeb Jr., of New York, as secretary to the President on Pecember 1. On that date, it was said, Mr. Loeb will retire from the secretary-ship to enter private business. Mr. Hitchcock was in Oyster Bay last Friday as a guest of the President. It is understood that he was then informed of Mr. Loeb's intentions and the secretary-ship tendered intentions and the secretaryship tendered him. It is believed that he will accept the

Burnett's Vanilla Is Pure Food.

The section of the Late of the State of the Section Control of the S

YOUTH STRUCK BY FLYING HOOFS DIES ALMOST INSTANTIV

Animal Tears Through Delancey Street and Crashes Into Morse Car-Man Falls Into Plunging Mass and Gets a Broken Rib-Woman Hart et the Bridge. A youth was killed and two persons

vere seriously injured by a runaway horse on the lower East Side last night.

The horse, attached to a light delivery wagon and driven by Samuel Rosen, became frightened just as it was turning from Grand into Clinton street. Rosen said that the breeching broke and the wagon ran upon the horse's heels.

Rosen clung to the reins. On the seat beside him was a younger boy, but he soon elipped down to the bottom of the wagon and clung to the dashboard right over the galloping hoofs.

It was just about 8 o'clock, and Clinton street was crowded with children and women. Before the horse had gone half a block the light wagon was swaying from curb to curb. There were any number of

a youth stepped out of a cigar store. The animal struck him with its forefeet and he was thrown to the pavement, hitting his head. He was killed almost instantly. He was identified later as Samuel Bir

ninowitz of 256 Floyd street, Brooklyn.

The animal dashed out into Delances street at the entrance to the bridge with speed that took the wagon along in bounds There was a big crowd at the entrance to the bridge, but all managed to get out of the way except Anna Lansed, an artist who lives at 188 Floyd street, Brooklyn. She was knocked down by the horse. Later she was taken to Gouverneur Hospital with a fractured leg. She may also be injured internally.

A few feet further on in the horse's path was an easthound Delancey street car. The runaway plunged full speed into the car team. Then there was a mixup. All three horses went down and began to kick and plunge in every direction. The two youths in the delivery wagon had gone out over the dashboard and landed in the street. The fifteen passengers in the horse car had been thrown to the floor by the collision

and were scrambling wildly out of the rear door. One man who was riding on the front platform had been hurled over the car dashboard down among the struggling animals. Luckily for him the car had run on a few feet and had covered him up. But he was wedged in under it in such a way that he couldn't get out and the hoofs of the horses were battering the dashboard of the car into bits dangerously close to his head The harnesses on the struggling animals

were finally cut and the mixup straightened out. A crowd turned to and lifted the car and the man who went over th dashboard was pulled out. He said he was Jacob Synder, 21 years old, of 245 East Third street. He had a fractured rib and was hadly bruised. He was also taken to the hospital

The youthful driver was arrested on a charge of homicide. He got off with a few bruises. The boy in the wagon with his was practically unhurt. Rosen said that the horse belongs to Solomon Unger, a fruit dealer of 14 Ludlow street. Ros when he was arrested, gave his age as 17 years, but later he declared that he is 18. which is the lawful age for a driver.

GIRL'S REALTY MARRED BY PIE. It was a Custord Pie. Scalding Hote-Th Girl Fainted and Fell With Her Face in It. HAGERSTOWN, Md., July 8 .- Miss Josephine Eavey, the daughter of Samuel Eavey,

was the victim of a peculiar accident to-day that will mar her beauty for life. While she was helping her mother to make custard pies Miss Favey fainted and fell with her face in a pie that Mrs. Eavey had just taken from the stove. The young woman's face was frightfully

burned, the scalding contents of the pie

covering her from chin to forehend. KING HONORS PROF. BURGESS. Head of Saxon Education Department Sen

Special Cable Despatch to THE SUN BERLIN, July 8.—The King of Saxony has paid Prof. John W. Burgess the unusual honor of sending the Saxon Minister of Education from Dresden to Leipzig in order that he may be present at Prof. Burgess's lectures before the university there

next week. Prof. Burgess will go shortly for a holiday to Wilhelmshohe, near Cassel, prior to sailing for the United States in September. He will first pay a visit to Ber-lin, in order to assemble his colleagues and friends at a final farewell dinner

EARL'S SON WORKING HERE. Came as Stoker on Atlantic Liner, Says

Queer Landon Story. Special Cable Despitch to THE SUN. LONDON, July 8.-Somewhere in New York is the son of an English Earl, whose

name is not made public, who has a thirst for work which his exalted sphere at home did not supply. The Shipping Gazette first gave the news, saying that the young man worked his way across the Atlantic in the stokehole of a liner. Inquiries at Southampton confirmed the

main fact. A few days after the steamer

sailed the Earl arrived at Southampton and made inquiries concerning his son. He learned that a well dressed, lusty youth, exactly fitting the description of his son, applied for work in any capacity. Hands were short and he was engaged as a stoker. Nobody was aware of his identity. He made a good record on board, and before quitting the steamer a permanent job was offered to him. He preferred, however, to take his chances in New York, where he is now earning his living. It is stated that he was impelled to his strange course by a deep conviction that he had no right to live in idleness, as his abaundant means would have enabled him to do, and that he ought to work for a living. learned that a well dressed, lusty youth,

Kills Mother Who Opposed His Wedding EL Paso, Tex., July 8 .- At Killeen, Tex., Lee Roe's mother objected to him marrying, and when he came home after the wedding she discovered him Roe shot her, mounted his horse and fied, leaving his bride in tears and his mother dead.

Latest Marine Intelligence

GREAT HEAR SPRING WATE :

N. Y. Central Tuy Mescues Four From Capsized Yacht.

New York Central tug 18 while running in the North River off Weehawken early this morning ran across a small capsized yacht and four men struggling in the water. The men were rescued by the tug's crew. after which the tug put in to Weehawken, and the captain reported the rescue to the marine department of the New York Cen-

The men who were saved told the captain that the yeahting party had consisted of seven men, three of whom had been drowned.

The tug then made for the foot of West Sixty-eighth street to land the men. Police Headquarters was notified and the patrol wagon from the West Sixty-eighth street station was sent to meet the tug.

The yacht was the Yacana, owned by

YACHT CAVALIER IN TROUBLE. Steering Gear Breaks Down and She is

NEWPORT, July 8.- The power yacht Cavalier, with Charles F. Proctor, her owner, and a party of guests aboard, broke down while off Point Judith early this afternoon and had to be towed into Newport. The Cavalier was bound from Shelter Newport, when the steering gear gave out. They signalled the shore for assistance and

the tug Solicitor went to aid the yacht. The Cavalier is a long black craft, not uninitial cruise, having arrived from Port Jefferson last Friday. Aboard the Cavalier are Mr. and Mrs. Proctor, Fred Greene, an artist, and J. Mckim Minton, all of New

HOTTEST DAY OF 1907. Mercury Got to 89-Thunderstorm Sent It Back to 78.

July 8 had the honor of being the hotte day so far. The thermometer was at 89 degrees at 5 P. M. The storm shortly after o'clock last night drove the mercury down to 73. Although great heat late in the day is often an indication of a warmer day to come, the Weather Bureau has no expectation that to-day will be warmer than was yesterday. It is going to be cloudy, and navbe humid.

CONAN DOYLE TO MARRY. Miss Jean Leckie to Be the Bride of the Famous Novelle

Special Cable Despatch to THE SUN. LONDON, July 8 .- Sir Arthur Conan Doyle he novelist, and Miss Jean Leckie will be married in September. Miss Leckie is not prominent. She lives

with her parents at Blackheath. Sir Arthur Conan Doyle is a bachelor. He is 48 years old.

NEW EDDY SUIT FILED. Son Asks Court to Take Charge of Fund

Put in Trust for Ills Family. CONCORD, N. H., July & -A new suit in equity was filed in the Superior Court this afternoon by George W. Glover, his wife of Justice, that even the gigantic business and their children, all residents of Lead. S. D., against Frank S. Streeter and Irving

The plaintiffs call attention to a deed of trust executed by Mary Baker G. Eddy by which they were made the beneficiaries of a fund approximating \$125,000. They ask the court to assume the custody of this fund until the case of Eddy sa. Frye is finally determined and the proper disposition of the fund becomes apparent.

MISERY IN HOME OF WOMAN M. P. Husband of Finnish Female Politician

ST. PETERSAURG, July 8.- The husband of one of the woman members of the Finnish Diet attempted to commit suicide but failed. When he was arraigned he said that he and his family were reduced to such misery by his wife's neglect of her home that he de cided to end his trouble by killing himself

His wife was so occupied with political matters that she could not find time to look after her home. She received more than \$75 monthly as a member of the Diet, but she allowed him only about 12 cents a day. had no work, and his condition was wretched. He is a man of humble rank. The police say he is suffering from want of food.

LOST BANK MESSENGER FOUND. But His Hiding Place Not Yet Revealed to

the Bonding Company. H. J. Wilson, the messenger who disappeared last week after having collected \$1,700 in cash for the First National Bank. has been found by two of his friends, who are endeavoring to persuade him to come out of his hiding and explain just how the money was stolen from him. According to his story, communicated by a letter to the bank officers, he was robbed on a street car and then fled, fearing to face possible arrest and diagrace. Wilson is 45 years of age and bears an ex-cellent reputation. He was hired by the bank from an agency merely for the day to help out in the half yearly rush and was

Guarantee Company Wilson's friends hope to induce him to agree to an interview with representatives of the latter company to-day. If he is able to establish his story to their satisfaction he will probably not be arrested.

TESTS OF SUBMARINE BOATS. Lake Co.'s Protest Against the Octopus Submitted to the Attorney-General.

WASHINGTON, July 8 .- Acting Secretary of the Navy Newberry to-day submitted to the Attorney-General for a decision the matter of the protest of the Lake Submarine Torpedo Boat Company concerning the recommendations of the Submarine Board which declared the Octopus to be the superior type of submarine. The protest refers to the participation of the Octopus, objection being made on the ground was under contract for the Government. This question was decided, however, when the arrangements for the trials were made and Mr. Bonaparte, then Secretary of the Navy, held that the Octopus was eligible to enter the tests. He is now called upon to affirm that decision as Attorney-General. A final decision is desired by the Navy

After all, USHER'S the Scotch

THE NEW ANTI-TRUST POLICY

More Radical Than Anything Yet Undertaken by the Administration.

RECEIVERS FOR BAD TRUSTS

To Begin With the Prosecution of the Tobacco Trust in This City This Week

The Movement Aims at Nothing Loss Thes Placing Every Lawbreaking Trust in the Hands of a Receiver, Who, as the Agent of the Court, Shall Carry Or the Business of the Corporation-The Business of the Standard Otl Com pany May Eventually Be Conducted by a Receiver If the Movement Against

the Tobacco Trust Is Successful

WASHINGTON, July 8 .- A bill in equity will be filed by the Government next Wednesday in the United States Circuit Court for the Southern District of New York against the American Tobacco Company, charging that that corporation is a monopoly in restraint of trade in violation of the Sherman law. That this action will be taken causes no surprise, for it has been known for some time that the so-called tobacco trust was under investigation, but the nature of the prayers to the court in this case will mark a startling departure in anti-trust procecutions, more radical than anything yet under-

taken by the Roosevelt Administration. A new policy has been adopted by the President and the officers of the Department of Justice, which aims at nothing less than the placing of every monopolistic or lawbreaking trust in the hands of a receiver, who as the agent of the Federal court shall carry on the business of the corporation. This proceeding, which is the latest of the Roosevelt policies relating to the control of corporations, is to have a trying out in the prosecution of the tobacco company, and if the movement succeedsother capitalistic combinations which may be violating the laws may expect to receive

similar treatment. It is easily among the possibilities, as viewed by the officers of the Department of the Standard Oil Company may eventofficers and directors and placed in charge of a receiver if the movement against the

tobacco corporation proves successful. The receivership plan has been very thoroughly worked out by the lawyers of the Department of Justice, among whom is Milton D. Purdy, assistant to the Attorney-General, who is believed to be the originator of this novel method of dealing with the trusts. An inseparable accompaniment of the plan, at least in the first trial which is about to be inaugurated, is a petition for injunction. The court will be asked to grant an injunction restraining the alleged monopolistic corporation from engaging further in interstate commerce, and the Government prosecutors will petition, as an alternative, that the court appoint a receiver to carry on the business of the

offending corporation. Whatever the Federal courts may think of this new plan of campaign in the Ad ministration's war on corporations, the leading officers of the Departments of Justice and Commerce regard it with confidence and believe it to be thoroughly

The receivership plan owes its origin. in part at least, to the obvious fact than most of the suits thus far successfully prosecuted by the Government have her little practical effect. The Administration believes, for example, that the first great suit instituted by the Government. namely the one against the Northers: Securities Company, had no tangible result in causing the railroads which forme the merger to become competing lines. Any lawyer in the Department of Justice will admit, if he says what he thinks, tha the great combinations of capital are so strictly a natural outgrowth of the times and are so essentially subject to the wilof the men who own the property that it is impossible for any power to compe them in all cases to dissolve themselves into competing companies and to allow the small producer or carrier the same

advantages that they enjoy themselves. The receivership plan is regarded by the Administration as a method & giving to the prosecution of trusts a practical effect According to this plan the Government virtually says to the corporations: "You are breaking the law, but it is difficult for to make you carry on your business in such a way as to conform to the law. So we will ask the court to appoint a receive. to carry on your business for you-in yo own interest, and in the interest of the

According to the project for receiveships. the agent of the court would be expected to conduct the business of the corporation in conformity with the Sherman law and the other more recently enacted statutes fo. the regulation of the trusts. The receive: would, in short, be expected in the course of time to bring about a thorough dissolu-tion of the trust, and possibly to restore its various units to the condition in which they existed prior to the combination "in

B. R. T. Must Pay More for the Bridge Commissioner Stevenson is preparing form of contract for the use of the Brooklyn Bridge by the Brooklyn Rapid Transit Company which will provide that when the present contract expires in August the company must pay higher compensation to the city and agree that the contract may be abregated on short notice by either side.